

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF
WARRENTON HELD ON APRIL 12, 2005

The regular meeting of the Council of the Town of Warrenton was held on April 12, 2005 in the Town Council Chambers.

Councilmembers present: George B. Fitch, Mayor, presiding; Vice Mayor David A. Norden, Councilmen Birge S. Watkins, John V. Albertella, John E. Williams, Dennis M. Sutherland, Terrence L. Nyhous and John S. Lewis, Jr.

Also present: Kenneth L. McLawhon, Town Manager, Whitson Robinson, Town Attorney; and Evelyn J. Weimer, Town Recorder.

The Mayor called the meeting to order and invocation was given by Councilman John S. Lewis, Jr.

CITIZENS TIME.

Presentation – Resolution of Appreciation – James H. Weeks, III

Mayor Fitch noted that the following resolution would be presented to Mr. Weeks by his supervisor, Edward B. Tucker, Jr., Director of Public Works/Utilities.

**RESOLUTION
RECOGNIZING THE CONTRIBUTIONS OF MR. JAMES H. WEEKS, III
OF THE PUBLIC WORKS DEPARTMENT TO THE TOWN OF WARRENTON**

WHEREAS, the Town Council, Town Manager and Staff of the Town of Warrenton wish to thank Mr. “Jimmy” Weeks, on the occasion of his retirement, for all of the contributions he made to the Department of Public Works and the Town of Warrenton; and

WHEREAS, Mr. Weeks began his service to the community of Warrenton over fourteen years ago and has worked diligently in his efforts to be of service to the Town; and

WHEREAS, Mr. Weeks worked tirelessly all hours of the day when needed, in sun, snow and rain to ensure that the public’s interest was served; and

WHEREAS, Mr. Weeks’ dedication and sacrifices will serve as an example to his fellow employees; and

WHEREAS, Mr. Weeks’ contribution have made the Department of Public Works a better organization and significantly better poised to address the future; and

WHEREAS, Mr. And Mrs. Weeks are wished all the best as Jimmy’s retirement begins

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Warrenton wishes to recognize the contributions Mr. Weeks has made to the Town of Warrenton;

BE IT FINALLY RESOLVED that the Town Council of the Town of Warrenton wishes to officially commend and publicly recognize Mr. Weeks for his hard work and dedicated service to Warrenton.

CONSENT AGENDA.

- a. Approval of the minutes of the Council regular meeting held on March 8, 2005.
- b. Financial statement and staff reports and Board and Commission minutes.
 - (1) Financial statement for period ending March 31, 2005.
 - (2) March statement of accounts paid.
 - (3) Miscellaneous staff reports.
- c. Minutes of the January 25 and February 2, 2005 special meetings of the Planning Commission.
- d. Consideration of approval of proposed June 25, 2005 Fauquier Teen Fest '05 event at Fauquier High School.
- e. Resolution for Street Additions to VDOT, text revision of November 2004 resolution.
- f. Resolution Requesting Approval of Recreation Access Funding for the Recreation Center project from VDOT and DRC.
- g. Set date of May 10, 2005 for public hearing on junior firemen ordinance.

Mr. Nyhous made a motion to approve the consent agenda as presented and Mr. Lewis seconded the motion.

Mr. Albertella stated that he had a question concerning the Gold Cup park noted in the public utilities report progress. He asked how the work was being funded. Mr. Tucker responded that it was part of a proffer/contribution by the developer which included the land and \$50,000.

Mr. Albertella asked if Planning District Nine could be of assistance concerning the resolution requesting approval of recreation access funding for the recreation center project from VDOT and DRC. The Manager stated that he did not think they could be of assistance and the Town just needed to proceed for expediency.

NEW BUSINESS.

Set date of Thursday, April 28, 2005 for special Council meeting.

The Manager stated that staff was attempting to set a public hearing for the proposed FY 2006 budget, noting that no rate increases were expected in personal property or real estate nor to water and sewer user rates.

Liberty Heights – Final Plat #05-01. Request for a the subdivision of one additional lot at Haiti Street and Liberty Street and the authorization of a private street to serve the new lot and three others off Liberty Street. Property is 0.4488 acres fronting on Haiti Street and each lot will be 9500 square feet or larger (R-6 District).

Mr. Watkins recused himself from participation in the agenda item, noting that although he is not an employee of the applicant, he is an employee of a company (Fairfax Development) who also owns the applicant company. He noted he had been involved in the project and worked for Landmark Communities. Mr. Watkins left the meeting.

Mr. Mothersead, Planning Director, noted that the request was for a subdivision plat for one additional lot located on a parcel located near the intersection of Liberty and Haiti Streets. He stated that the applicant owns three lots and there is a portion that is requested for subdivision. He indicated that of the three houses located on the lot, one was a single family, one a double family and one was vacant. He noted that if the property was to be developed as it is now, there would be four dwelling units on it. Mr. Mothersead stated that the double dwelling would be rehabilitated to make it single family so even with the addition of the additional house, the density would remain the same. He indicated the applicant was requesting a waiver of an easement for a private road in addition to the property subdivision. He further indicated that the property is zoned R-6 and is consistent with the guidelines of the Comprehensive Plan and the Subdivision Ordinance. He noted that an additional hydrant was requested for the entrance at Liberty Street and the applicant had agreed to provide it. In addition, the private road would be developed under the current standards using curb and gutter as well as improved stormwater drainage. The one difference was instead of the typical turnaround a wide range turnaround that would be applicable for public vehicles to come in and turnaround, especially emergency service vehicles, although garbage collection would be at Liberty Street. He stated that due to the narrowness of Haiti Street and the orientation of the slope, the 30-foot access easement and improvement for a private road was something that the Planning Commission felt comfortable with.

Mr. Mothersead stated that the lot could be developed to rearrange the lot lines and obtain enough frontage but bringing driveways across the slope and directly into Haiti Street at its width would present a significant problem. He indicated staff recommended the plat with a number of conditions including: 1) a note be included on the plat to identify property being provided for in each deed that it is a private street and would not be improved with public funds, 2) a fire hydrant on Liberty Street was requested which had been agreed to by the applicant, and 3) staff recommended waiving the sidewalk requirement on frontage on Haiti Street because there is a single sidewalk included on Haiti between Liberty and North Streets, with additional right of way located across from the subject property. He explained that a road profile on the preliminary plat and additional right of way for Haiti Street for future expansion had been provided by the applicant.

Mr. Mothersead explained that the Planning Commission had expressed concerns regarding the availability of providing the right of way and the use of the private road but in light of Haiti Street topography, embankment and existing tree buffer, they suggested that was the most appropriate use of the rear easement and improvement of lots in this case.

Mr. Lewis asked if on a private road the frontage requirement was the same as on a public road and Mr. Mothersead responded that it was, noting it was 55 feet in the R-6 district, which had been complied with.

Mr. Lewis expressed concern that other property owners with properties within the community that would also have the same potential challenges would request the same action. Mr. McLawhon noted that there had been several inquiries relative to private roads...He also indicated that the question could pivot on whether the additional fourth structure requested is necessary. He

stated that the comment also was made during the Planning Commission's meeting relative to the three structures access which could be met with current right of way and frontage intact.

Mr. McLawhon asked Mr. Tucker how many private road projects he had seen in his ten years with the Town. Mr. Tucker responded that he recalled the multifamily project, Winchester Mews on Fairfax Street, noting that in the revised Public Facilities Manual the length of a private street required more standards and a larger development such as the scope of Carriage House Chase which would require a full cul-de-sac.

The Planning Director commented that development in Warrenton is becoming difficult and the Town may see more similar requests. He noted that it is not a standard or a norm but put in the regulations to offer an exception where justified. Each case represents its own set of circumstances.

Mr. Norden indicated that many older streets in Town have lots that are very deep and that he wanted to ensure that the Town had the latitude to say "no" in some cases and "yes" in others, with a precedent would being set.

Mr. Robinson, the Town Attorney, indicated that one of his biggest concerns was that the Town not appear to make "arbitrary" or "capricious" with special exceptions and that whatever the Council does, it should be done as a standard and the reasons for such decisions should be well noted.

Mr. Lewis stated that applications could be considered in hardship cases and the Planning Director could indicate to applicants that matters would only be considered in hardship instances. Mr. Mothersead stated that physical development reasons could be reviewed as to why there may be limited opportunity for use of a public road, although he would not like to see the same criteria used elsewhere to divide property that was not eligible.

The Town Manager noted that footnotes could be inserted on the recordation documents stating its private nature. He also stated that there were persons residing in the Carriage House Chase subdivision that would like to see the Town be responsible for those private roads.

Mr. Nyhous noted that he was somewhat comfortable with the application since there could be frontage on Haiti Street but the topography is difficult.

Mr. Norden asked if there would be enough frontage to create four lots and the Planning Director indicated they would not without rearranging quite a bit.

Mr. Nyhous assumed that since it is a private road it would be built to some kind of standard. Mr. Mothersead responded that the Code indicates a 20-foot right of way and what is provided is a 30-foot easement which already exists and a 24 foot wide improvement with curb, gutter and stormwater drainage within it. Mr. Nyhous inquired if it would be built to a VDOT standard in depth and Mr. Tucker indicated it would be the minimum public street depth.

Mr. Albertella felt that the project would make a large contribution to the community. He noted that in speaking of public benefit in regard to the project that, not only topographical obstacles, but there was the pressing question of parking on Haiti Street. He stated that the proposed project would remove the parking requirements from the streets to the driveway. He felt it a tremendous benefit to public good and stabilization of the neighborhood since every new or renovated home to the neighborhood was an asset.

The Town Attorney noted that Council should ask itself what their response would be if the next applicant would say, “if you did that one, why won’t you do mine?”, if their request had been denied. Mr. Robinson encouraged use of a standard. The Manager stated that if there are four lots versus the three by right which could be structured with driveways, the question could be the additional density. He also stated that in the past the Town had received several block grants in working with the Haiti Street community. He stated that the Town had a substantial investment in the block grant applications and he felt it was a lot more depth and breadth to the record as well on what has been completed on Haiti Street than might be presently realized.

Mr. Williams indicated that Haiti Street is a very unusual and unique setup in the Town and at the far end of Haiti Street there will be some houses for Habitat for Humanity, where there is a unique situation on the top of a hill and asked if the application being considered would create something that Council would be regretting with the Habitat site is reviewed.

The Planning Director stated that Habitat was interested in subdividing two lots off of the back of two existing lots and they originally came in with information that suggested that they already existed and they would be just accessing those with a driveway. He felt if they did not already exist he did not think they could do it since the topography of the site overwhelms everything else.

Mr. Williams stated that if Council approved the current application based on hardship then Habitat could plead hardship for their request.

Mr. Lewis stated that the Town is concerned about affordable housing and it would provide low cost housing for some of the residents. Mr. Albertella added that sometimes the nexus between low cost housing and substandard housing is unacceptable but the proposal would bring forth habitable and above standard housing that would stabilize and encourage improvements to current existing homeowners and further development.

Mr. Norden commented that the existing two houses will have access from the right of way with parking behind the houses and the third house could be accessed the same way if the fourth lot is not created. He indicated one of the benefits that had been alluded to was that the duplex rental property would be removed from the market and a private owner-occupied residence would be created. He asked if there was anything to guarantee this would occur and the Planning Director commented that a special use permit would be required and Council would review the request.

Mr. Norden asked if there was any “grandfathering” clause in the ordinance that would allow the house to be converted back to a duplex unit without going through the process. Mr. Mothersead stated that not without a Certificate of Occupancy but he would look into the matter.

Mr. John Tillman.

Mr. Tillman, applicant, noted that the request being made was not on the basis of hardship and that four lots could be obtained. He stated that the basis of the request was to preserve the existing over 80 year-old homes and renovate them. He indicated that rearranging the lot to accommodate four houses would constitute changing the site significantly.

Mr. Albertella asked if a trash pickup structure would be constructed to house the trash. Mr. Mothersead responded that in other developments, Kingbridge Court, for instance, the Planning

Commission had recommended building a structure but had not in this case due to the small number of dwellings proposed.

On a motion by Mr. Nyhous, seconded by Mr. Albertella, the application was approved based on conditions noted by the Planning Director and Council on a 6-0 vote (for: Norden, Albertella, Williams, Sutherland, Nyhous, Lewis; one absention: Watkins).

Baldauf Private Road Waiver. A request for a waiver of the public road standards to designate the Moorhead Estate House driveway as a private road for the purposes of obtaining a distinct address for the dwelling. The property is currently accessed from the Moorhead Subdivision and would be identified as Pinnacle Court address. No subdivision is involved. The property is zoned R-10 Residential and identified as GPIN 6984-48-8467.

The Planning Director stated that the request was for a private road waiver for addressing of a house with a significant prominence in the community. Mr. Mothersead pointed out a plat of the property showing the previous driveway that runs to the Moorhead estate, which changed the address. Mr. Baldauf, property owner, was requesting that a private road designation for his driveway into lot 45 to enable him to rename the road “Moorhead” in order to provide an address compatible with the house and in recognition of its prior stature.

Mr. Mothersead stated that in the ordinance it is noted that “private streets are designated by Council.” He indicated that a number of things would be required consisting of: 1) filing of an easement of access in accordance with the Town ordinance that would be recorded, 2) a private road designation in the subdivision plat and the necessary materials to do that, 3) the owner would have to provide a sign and various recordation with both the Town and the County, and 4) the property would have to be restricted from further development, and 5) the owner would like to be relieved from improvements under the Town’s private road standards.

Mr. Mothersead stated that the Planning Commission had reviewed the matter noting that the 244 Blackwell Road address had been eliminated with establishment of the subdivision and voted in favor of recommending the request.

Mr. Norden noted he was doing some work for Mr. Baldauf and recused himself from participation in the request. He left Council Chambers.

Mr. Lewis thought the Town needed to ensure that the access road is not used for further development and it was not mentioned that it would be recorded as a deed restriction. The Planning Director deferred to the Town Attorney. The Manager stated it was a driveway and the Planning Director responded that it was not part of a zoning action and it could not be required.

The Planning Director stated that there was a phrase he usually included about the significance of the private road which would have to be recorded with it and he saw no reason something could not be added that development was restricted unless further approved by the Council.

Mr. Nyhous moved approval of the request with the stipulations and with the inclusion of the standard road language modified to include potential development. Mr. Lewis seconded the motion and Council voted 6-0 (Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis), with one absention (Norden) for the motion.

REPORTS AND COMMUNICATIONS.

- a. Report from Town Attorney.

The Town Attorney noted that the bonds had been removed from the Council agenda.

- b. Report from Finance Committee.

Mr. Watkins, Chairman, stated that a Finance Committee meeting would be scheduled soon.

- c. Report from the Police Committee.

Mr. Lewis noted that there was no report.

- d. Report from the Public Information Committee.

Mr. Albertella, Chairman, stated that the Committee would meet on Thursday, April 14 at 9 a.m.

- e. Report from the Public Works Committee.

Mr. Lewis, Chairman, stated there was no report.

- f. Report from the Utilities Committee.

Mr. Nyhous stated that there was no report.

- g. Report from Airport Committee.

Mr. Lewis stated that there was no report.

- h. Report from Planning District 9 Representative.

Mr. Albertella reported that there would be a special meeting on April 20 concerning the 211 corridor study “draft.”

- i. Report from Transportation Safety Commission.

Mr. Watkins, Chairman, indicated that there was no report.

- j. Report from Economic Development Advisory Committee representative.

Mr. Williams stated that there was no report.

- k. Report from Recreation Committee.

Mr. Sutherland stated that a March meeting with the architects had been held and two financial institutions had given presentations on possible funding methods. He further stated that Grimm and Parker had been given the notice to move ahead with plans for the June bidding process.

- l. Report from Joint Communications Board representative.

There was no report.

- m. Report from Liaison Committee representative.

There was no report. The Manager noted that at the recently held County transportation meeting it was noted that the Town/County Liaison Committee meetings may be reinstituted.

- n. Report from the Parking Committee.

Mr. Lewis stated that there was a call into Board of Supervisors Chairman David Graham concerning a joint visit to the Culpeper to view their parking system.

- o. Report from the Town Manager.

The Manager pointed out that the Warrenton Spring Cleanup would occur the week of April 18-22.

COUNCILMEMBERS' TIME.

Mr. Albertella pointed out that there was a Planning District 9 Workforce Affordable Housing Forum on April 21 at the Culpeper Country Club.

Mr. Sutherland asked about the study by Mr. Stan Tatum concerning Eva Walker Park and Mr. Tucker responded that it was ready and that the \$15,000 in this year's budget was a small start but Mr. Tatum had three concept plans. He explained that there would be a fuller program for the next fiscal year to make significant improvements.

There being no further business, the meeting was adjourned to a meeting scheduled for April 28, 2005.

Evelyn J. Weimer, Town Recorder